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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/617,599

07/11/2003

Jean-Marie R. Dautelle

RTN-171AUS

2932

33164

7590

03/21/2007

RAYTHEON COMPANY

C/O DALY, CROWLEY, MOFFORD & DURKEE, LLP

354A TURNPIKE STREET

SUITE 301A

CANTON, MA 02021

EXAMINER

BRIER, JEFFERY A

ART UNIT

PAPER NUMBER

2628

MAIL DATE

DELIVERY MODE

03/21/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/617,599

Applicant(s)

DAUTELLE, JEAN-MARIE R.

Examiner

Jeffery A. Brier

Art Unit

2628

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 March 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see page 2.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Jeffery A Brier
Primary Examiner
Art Unit: 2628

Response to Arguments

1. Applicant's arguments filed 3/8/2007 have been fully considered but they are not persuasive. At page 3 applicant discusses applicants admitted prior which from applicants specification store three-dimensional data in a three-dimensional graphics circuit-board. At pages 4-7 applicant discusses the Jazz article. At page 5 first paragraph to page 6 second paragraph applicant concludes the Jazz does not suggest modifying the prior art three-dimensional graphics circuit-board to render a 2D scene graph. However, Jazz at pages 173 and 174 under the heading of "The Jazz Toolkit" and at page 174 under the heading of "Why a 2D Scene graph?" teaches that a 2D scene graph is a desirable way to render 2D objects by using a technique used to render 3D objects. This suggests modifying a three-dimensional graphics circuit-board to handle 2D scene graphs in addition to 3D scene graphs. At page 5 second full paragraph to page 7 second full paragraph applicant discusses the OpenGL discussion found in the Jazz article. Applicants discussion of "direct mode" and "indirect mode" are noted but these modes do not teach away from the position the Jazz article suggests modifying a three-dimensional graphics circuit-board to handle 2D scene graphs in addition to 3D scene graphs because the additional modes of OpenGL does not overcome the fact the Jazz article teaches processing 2D objects by using 2D scene graphs in a manner similar to processing 3D objects by using 3D scene graphs at pages 173 and 174 under the heading of "The Jazz Toolkit" and at page 174 under the heading of "Why a 2D Scene graph?". At page 7 applicant presents arguments concerning claim 25. This argument is not persuasive because the Jazz article as

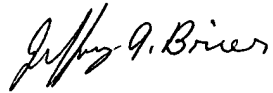
discussed previously suggests modifying a three-dimensional graphics circuit-board to handle 2D scene graphs in addition to 3D scene graphs because the Jazz article teaches processing 2D objects by using 2D scene graphs in a manner similar to processing 3D objects by using 3D scene graphs which three-dimensional graphics circuit-board have a local processor for processing the 3D scene graphs. The remaining arguments concern claim 8 in the paragraph spanning pages 7 and 8, concern claim 27 at page 8, concern claim 15 in the paragraph spanning pages 8 and 9, and concern claim 29 at page 9 which arguments refer to the arguments given for claim 1. For the reasons given for claim 1 the arguments concerning both claims 8 and 15 are not persuasive and for the reasons given for claims 1 and 25 the arguments concerning both claims 27 and 29 are not persuasive.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A Brier whose telephone number is (571) 272-7656. The examiner can normally be reached on M-F from 7:00 to 3:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (571) 272-7664. The fax phone Number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Jeffery A. Brier". The signature is fluid and cursive, with the first name "Jeffery" being more prominent.

Jeffery A Brier
Primary Examiner
Division 2628